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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,896	07/07/2003	Yvon Charbonneau	15782-2US CMB/AA/mb	4329
20988	7590	12/17/2004	EXAMINER	
OGILVY RENAULT 1981 MCGILL COLLEGE AVENUE SUITE 1600 MONTREAL, QC H3A2Y3 CANADA			HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 12/17/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,896

Applicant(s)

CHARBONNEAU, YVON

Examiner

Daniel A Hess

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flint et al. (US 4,174,891) in view of "Width-Modulated Linear Symbologies" (The Bar Code Book, Palmer, 3rd Ed.)

Re claims 1 and 6:

Flint et al. teaches at column 2, lines 15-30:

The reader/printer has an automatic call up feature so that any given photographic area may be selected and projected responsive to the push of a button or the operation of any other suitable switch. An electronic control circuit, such as a microprocessor automatically controls the movement of a film transport mechanism to position a selected photographic area in a viewing area.

Also figure 2, whose description below is excerpted (column 2, lines 33-38):

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FIG. 2 is a schematic layout of a web or strip of roll film, having a plurality of photographic areas, each in a microfiche format comprising an orthogonal array of images, with a special bar code printed along an edge of the film and located near the photographic area which it identifies

Column 5, lines 4-11:

A series of bar code addresses (such as 89, 91, 92) is printed along one margin of the film and precisely located at the same relative positions near each photographic area. Therefore, if the bar code 92, for example, is precisely positioned by the film transport mechanism so that a sensor is at one edge, such as 93, of the code 92, the photographic area 84 is precisely located in the viewing area or in the optical path of the reader/printer.

Column 7, lines 30-48:

The film is transported responsive to an operation of switches on control panel 52, to automatically select and display a desired photographic area. More particularly, FIGS. 5, 6 help explain how a roll of film is transported, in order to bring a selected photographic area into the viewing area in the reader/printer of FIG. 1 responsive to a reading of the bar codes of FIGS. 2-4. FIG. 5 graphically shows film 60 traveling a forward direction and FIG. 6 shows the same film 60 traveling in a reverse direction.

The memory of the last read bar code is stored, so that the reader/printer always starts in the correct direction. But, if that memory has been lost (for example, there might be a power interruption), the reader/printer starts in one preferred direction. One bar code is read, and the electronic control circuit decides whether the film is or is not traveling in the correct direction. If it is, the film continues to so travel. If not, the film transport reverses direction.

And in column 10, lines 11-12:

When the desired bar code is detected, the motor 202 is stopped.

Flint et al. fails to teach or fairly suggest the presence and use of a "start reading" code.

As Palmer shows (see figure 4-10 of The Bar Code Book, 3rd Ed.) the UPC standard bar coding system includes "two six-digit halves" in other words a data portion, "surrounded by left, center and right guard patterns." These guard patterns serve as reference markers for the overall barcode and define where it begins and ends.

In view of Palmer's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known starting marker as taught by Palmer in the bar code of Flint et al. because this can help to ensure that the system is properly calibrated as it scans the actual data portion.

Re claim 2: See figure 2, ref. 91 of Flint et al.

Re claim 3: In UPC, as described by Palmer, the end markers are a pair of narrow bars; however a single wider bar could also serve as a marker to delineate where the bar code begins. This involves an element of design choice. Also, as for the width, the "guard bars" of UPC are shown to be taller, and are thus distinguished from the surrounding bars. The fact that these bars are distinguished from the surrounding bars is the critical point, whether taller or wider.

Re claim 4: One could consider the central guard bar in UPC to be a reference positioning code because it serves as a non data-bearing "landmark" within a series of bars.

One would have been motivated to include such a reference positioning code as taught by Palmer in order to reduce read errors from improper alignment.

Re claim 5: As column 5, lines 4-6 recite, "A series of bar code addresses (such as 89, 91, 92) is printed along one margin of the film and precisely located at the same relative positions near each photographic area." Thus Flint et al. teaches precise locating based on bar code position.

As for limitations on which particular bar of a barcode establishes the position, such as the fourth bar, this is a matter of design choice; for example, if it were the first bar, the fifth bar, or a set of bars, the effect would be the same. Also, as for the width, the "guard bars" of UPC

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are shown to be taller, and are thus distinguished from the surrounding bars. The fact that these bars are distinguished from the surrounding bars is the critical point, whether taller or wider.

Re claim 7: Page 7 of the specification appears to be the only place where BCD (binary coded decimal) is discussed. In each of the two references to BCD in that part of the specification, the applicant uses the term, "BCD coding scheme or one of the like"; nowhere in the instant specification is there any indication that BCD (as opposed to another bar encoding scheme) is functionally important for making the code work. Thus, the use of BCD encoding is considered a design choice.

Re claims 8 and 9: See discussion re claim 4 above, and also of UPC, as per Palmer.

Re claim 10 and 11: See discussion re claim 5 above.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Allman et al. (US 6,572,011), Pavlidis et al. (US 5,796,090), Hirasawa et al. (US 4,875,768), Wheeler et al. (US 6,555,273), Staeheli et al. (US 6,556,276), Guez (US 4,854,696) and Kimura et al. (US 6,105,870) and Konishi et al. (US 5,237,156) all show various systems where identifying bar codes are located on moveable media such as film.

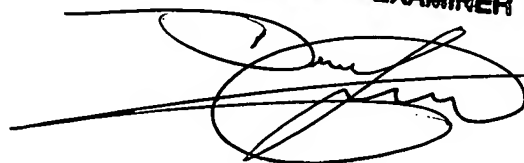
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DH


DANIEL STCYR
PRIMARY EXAMINER